

AMENDMENT IN THE CLAIMS

Please amend claims 27-30, 32-38 and 40-61 as follows:

Claims 1-26. (Cancelled)

1 27. (Currently Amended) A method in a cooking apparatus, comprising ~~the steps of:~~
2 storing a plurality of aroma sources in said cooking apparatus;
3 making a selection of a cooking menu for cooking food;
4 selecting an aroma corresponding to said food; and
5 generating said aroma by mixing [[from]] at least ~~one aroma source~~ two aroma sources
6 selected from said plurality of aroma sources stored in said cooking apparatus, said aroma not being
7 produced by said food itself to be cooked.

1 28. (Currently Amended) The method of claim 27, further comprising ~~the step of~~ diffusing
2 said aroma before said food is cooked.

1 29. (Currently Amended) The method of claim 28, further comprising ~~the step of~~ terminating
2 the diffusion of said aroma when said food is cooked.

1 30. (Currently Amended) The method of claim 27, further comprising ~~the step of~~ diffusing

2 said aroma after said food has been cooked.

1 31. (Previously Amended) The method of claim 30, wherein said aroma removes a food
2 aroma produced from the food cooked.

1 32. (Currently Amended) The method of claim 27, further comprising ~~the step of~~ diffusing
2 said aroma intermittently while said food is being cooked.

1 33. (Currently Amended) The method of claim 27, wherein the step of generating comprises
2 ~~the steps of~~ selecting aroma sources from said plurality of aroma sources and mixing the selected
3 aroma sources to generate said aroma.

1 34. (Currently Amended) The method of claim 27, further comprising ~~the steps of~~:
2 providing a main body having a cooking chamber and a parts chamber;
3 providing an aroma storage unit in said parts chamber;
4 providing a first passageway from said aroma storage unit to an outside of said main body;
5 and
6 releasing said aroma through said first passageway.

1 35. (Currently Amended) The method of claim 34, further comprising ~~the steps of~~:
2 providing a second passageway from said aroma storage unit to said cooking chamber; and

3 releasing said aroma through said second passageway.

1 36. (Currently Amended) A method in a cooking apparatus, comprising ~~the steps of~~:

2 providing a cooking apparatus with an aroma generating unit;

3 producing ~~a first~~ an aroma in said aroma generating unit;

4 controlling a movement of a piston disposed within said aroma generating unit, wherein said
5 piston opens one of a first nozzle and a second nozzle and closes the other; and

6 diffusing said ~~[[first]]~~ aroma through the opened nozzle.

1 37.(Currently Amended) The method of claim 36, said step of producing comprising ~~the steps~~

2 ~~of~~:

3 selecting a ~~[[first]]~~ scent source;

4 selecting an amount of said ~~[[first]]~~ scent source; and

5 providing said amount of said ~~[[first]]~~ scent source to a diffuser.

1 38. (Currently Amended) The method of claim 37, said step of controlling comprising ~~the~~

2 ~~step of~~ moving said piston to open a first nozzle and close a second nozzle coupled to said diffuser
3 to diffuse said ~~[[first]]~~ aroma to an inside of said cooking apparatus.

1 Claim 39. (Cancelled)

1 40. (Currently Amended) The method of claim 37, said ~~step of~~ controlling comprising ~~the~~
2 ~~step of~~ moving said piston to close a [[first]] nozzle and open a second nozzle coupled to said
3 diffuser to diffuse said first aroma to an outside of said cooking apparatus.

1 41. (Currently Amended) The method of claim 36, said ~~step of~~ producing comprising ~~the steps~~
2 ~~of~~ selecting a cooking menu and selecting said [[first]] aroma corresponding to the selected cooking
3 menu.

1 42. (Currently Amended) The method of claim 36, further comprising ~~the step of~~ deodorizing
2 said [[first]] aroma.

1 43. (Currently Amended) The method of claim 42, said ~~step of~~ deodorizing comprising ~~the~~
2 ~~steps of~~:
3 producing a ~~second~~ another aroma in the aroma generating unit; and
4 diffusing said ~~second~~ another aroma for a predetermined time.

1 44. (Currently Amended) The method of claim 43, said ~~step of~~ producing said ~~second~~ another
2 aroma comprising ~~the steps of~~:
3 selecting a ~~second~~ another scent source;
4 selecting an amount of said ~~second~~ another scent source; and
5 providing said amount of said ~~second~~ another scent source to a diffuser.

1 45.(Currently Amended) The method of claim 43, said ~~step of~~ diffusing said ~~second~~ another
2 aroma comprising ~~the step of~~ opening a first nozzle to diffuse said ~~second~~ another aroma to an inside
3 of said cooking apparatus.

1 46. (Currently Amended) The method of claim 45, said ~~step of~~ diffusing said ~~second~~ another
2 aroma further comprising ~~the step of~~ moving said piston to open said first nozzle and close a second
3 nozzle.

1 47.(Currently Amended) The method of claim 43, said ~~step of~~ diffusing said ~~second~~ another
2 aroma comprising ~~the step of~~ opening a second nozzle to diffuse said ~~second~~ another aroma to an
3 outside of said cooking apparatus.

1 48. (Currently Amended) The method of claim 47, said ~~step of~~ diffusing said ~~second~~ another
2 aroma further comprising ~~the step of~~ moving said piston to close said first nozzle and open said
3 second nozzle.

1 49.(Currently Amended) The method of claim 43, said ~~step of~~ diffusing said ~~second~~ another
2 aroma comprising ~~the step of~~ opening a third nozzle to diffuse said ~~second~~ another aroma.

1 50.(Currently Amended) The method of claim 49, said ~~step of~~ diffusing said ~~second~~ another

2 aroma further comprising ~~the step of~~ rotating said third nozzle.

1 51.(Currently Amended) The method of claim 42, said ~~step of~~ deodorizing comprising ~~the~~
2 ~~steps of~~:

3 blowing said ~~[[first]]~~ aroma toward a filter; and

4 filtering off said ~~[[first]]~~ aroma with said filter.

1 52. (Currently Amended) A method of providing a scent from a cooking apparatus,
2 comprising ~~the steps of~~:

3 storing a plurality of scent sources in a reservoir;

4 selecting a cooking menu;

5 controlling an aroma generator according to said cooking menu to select ~~a first~~ an aroma
6 corresponding to said cooking menu and produce said ~~first aroma from~~ aroma by mixing at least ~~one~~
7 ~~first scent source~~ two scent sources among the stored plurality of scent sources; and

8 diffusing said ~~[[first]]~~ aroma for a predetermined time.

1 53. (Currently Amended) The method of claim 52, said step of controlling comprising ~~the~~
2 ~~steps of~~:

3 selecting at least ~~one first scent source~~ two scent sources among the stored plurality of scent
4 sources;

5 selecting an amount of each of said ~~first scent source~~ at least two scent sources; and

transferring the selected amount of said ~~first scent source~~ at least two scent sources from said reservoir to a diffuser disposed in said aroma generator.

54.(Currently Amended) The method of claim 52, said step of diffusing comprising ~~the steps~~ of:
controlling a first nozzle to diffuse said [[first]] aroma to an inside of said cooking apparatus;
and
controlling a second nozzle to diffuse said [[first]] aroma to an outside of said cooking apparatus.

55. (Currently Amended) The method of claim 54, wherein said ~~step of~~ controlling said first nozzle and ~~the step of~~ controlling said second nozzle [[is]] are performed by moving a piston to open one of a first nozzle and a second nozzle and close the other nozzle.

56.(Currently Amended) The method of claim 52, further comprising ~~the step of~~ deodorizing said [[first]] aroma.

57. (Currently Amended) The method of claim 56, said ~~step of~~ deodorizing comprising ~~the steps of~~:
controlling said aroma generator to produce a ~~second~~ another aroma; and
diffusing said ~~second~~ another aroma for a predetermined time.

1 58. (Currently Amended) The method of claim 57, said ~~step of~~ controlling said aroma
2 generator comprising ~~the steps of~~:

3 selecting at least one ~~second~~ another scent source among the stored plurality of scent sources
4 in response to said [[first]] aroma;

5 selecting an amount of said ~~second~~ another scent source in response to the amount of said
6 [[first]] aroma; and

7 transferring the selected amount of said ~~second~~ another scent source from said reservoir to
8 a diffuser.

1 59.(Currently Amended) The method of claim 58, said ~~step of~~ transferring comprising the
2 ~~step of~~ controlling a valve of said reservoir.

1 60.(Currently Amended) The method of claim 57, said ~~step of~~ diffusing comprising ~~the steps~~
2 ~~of~~:

3 controlling a first nozzle to diffuse said ~~second~~ another aroma to an inside of said cooking
4 apparatus; and

5 controlling a second nozzle to diffuse said ~~second~~ another aroma to an outside of said
6 cooking apparatus.

1 61.(Currently Amended) The method of claim 60, wherein said ~~step of~~ controlling said first

- 2 nozzle and the step of controlling said second nozzle [[is]] are performed by moving a piston to open
- 3 one of a first nozzle and a second nozzle and close the other nozzle.

REMARKS

Claims 27-38 and 40-61 are pending in this application.

In response to the Advisory Action (Paper No. 12) dated 25 July 2003, and the final Office action (Paper No. 7) dated 12 February 2003, this Amendment is being submitted with a Request for Continued Examination.

In the Advisory action (Paper No. 12), the examiner stated that the applicant's Reply filed on 30 June 2003 was not entered. Accordingly, this amendment is based on the Reply filed on 9 May 2003, which was entered.

Claims 27-30, 32-38 and 40-61 have been amended.

No new matter has been added.

I. Claim Rejections - 35 U.S.C. §103

Claims 27-30, 32-35, and 52-54 stand rejected under 35 U.S.C. 103(a) as being unpatentable over MacLean (U.S. Patent No. 5,771,778) in view of Watkins (U.S. Patent No. 5,591,409).

Claims 31 and 56-60 rejected under 35 U.S.C. 103(a) as being unpatentable over MacLean '778, in view of Watkins '409, as applied above, and further in view of Burns (U.S. Patent No. 5,062,272).

1. Claims 27 and 52

Claims 27 and 52 have been amended. The amended claims 27 and 52 recite the feature of generating(or producing) the aroma by mixing at least two aroma sources (or aroma scent sources).

Support for this amendment to claims 27 and 52 is found in the specification at page 4, lines 3-4: “It is also an object to provide a cooking apparatus and method having various aroma substances mixed and diffused inside and outside the cooking apparatus.” (See also page 4, lines 14-15.) The amended claim 27 also recites the feature of “said aroma not being produced by said food itself to be cooked.”

Support for this amendment to claims 27 is found in the specification because the specification explains that the aroma is produced from various aroma sources even if the food aroma itself is generated during cooking. (The specification clearly states that the food aroma can be generated before, during and after the food is cooked.) This means that the aroma is not produced by the food itself to be cooked.

While MacLean allegedly discloses the food’s natural aroma produced by the food itself, the MacLean ‘778 and Watkins ‘409 taken separately or in combination do neither teach nor suggest that the aroma is generated by mixing at least two aroma sources selected from the plurality of aroma sources stored in the cooking apparatus.

Therefore, claims 27 and 52 are patentable.

2. With respect to claims 28-30 and 32 to 35

First, claims 28-30 and 32-35 depend from claim 27 so that these dependent claims include the limitations of claim 27. Since the applicant has presented above reasons why independent claim 27 is patentable, claims 28-30 and 32-35 are also patentable.

Sec nd, the rejection is improper since the examiner fails to establish a prima facie case because all the claim limitations are not taught or suggested by the prior art.

In rejecting claims 28-30 and 32, the examiner further states that the step of diffusing the aroma before cooking is disclosed at column 9, line 25, the step of intermittent diffusion at column 9, lines 25-28, and the terminating diffusion after cooking by grinding the unused popcorn at column 9, line 29-31 on MacLean '778.

The disclosure in column 9, lines 25 to 31 on MacLean '778 discloses that a few kernels are periodically popped, regardless of whether payment has been inserted in the payment receptacle. That is, this disclosed step is made without the step of making a selection of a cooking menu for cooking food and irrespective of the selection of the food to be cooked. Because it is not possible to know which food is to be cooked without the step of selecting food to be cooked, the aroma recited in the disclosure at column 9, lines 25 is not the aroma corresponding to the food to be cooked. On the other hand, the step in claim 28 of the present application claims diffusing said aroma "corresponding to said food" to be cooked before said food is cooked.

In rejecting these claims, the examiner picks the aroma which is different from the aroma recited in rejecting claim 27, while the aromas in claims 27 and 28 of the present invention are claimed as the same. In other words, the examiner simply engaged in a hindsight reconstruction of the claimed invention, using the present invention as a template, and picking and choosing elements from references to fill the gaps.

In the Advisory action (Paper No. 12), the examiner further stated that “MacLean IV teaches that popcorn was periodically popped (column 9, lines 25-31). This would inherently provide precooking aroma diffusion at some point in time.” (Emphasis added).

The examiner’s statement is not correct.

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. **Inherency, however, may not be established by probabilities or possibilities.** The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’ ” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (Emphasis added)

The examiner’s argument is clearly based on probabilities or possibilities. The examiner must show that the periodically popped popcorn is necessarily the aroma corresponding to the food to be cooked. As stated above, since the machine cannot know the next customer’s taste and preference, the periodically popped popcorn is not necessarily the aroma corresponding to the food to be cooked. The possibility of that the user may select the same food which is periodically popped is not enough to establish “inherency rejection.”

Therefore, withdrawal of the rejection is respectfully requested.

3. With respect to claims 53 and 54

Claims 53-60 depend from claim 52 so that claims 53-60 include the limitations of claim 52. Since the applicant has presented above reasons why independent claim 52 is patentable, claims 53-60 are also patentable.

4. Claims 31 and 56-60

Claims 31 and 56-60 stand rejected under 35 U.S.C. 103(a) as being unpatentable over MacLean '778, in view of Watkins '409, as applied above, and further in view of Burns (U.S. Pat. No. 5,062,272).

Reconsideration of the rejection of claims 31 and 56-60 is also respectfully requested because the applicant has presented above reasons why claims 27, 30 and 52 are patentable and claims 31 and 56-60 depend effectively from claims 27, 30 and/or 52.

5. Claims 55 and 61

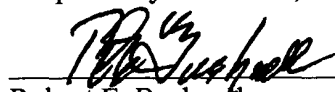
The examiner stated that claims 55 and 61 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reconsideration of the objection of claims 55 and 61 is also respectfully requested because the applicant has presented above reasons why claims 54 and 60 are patentable, and claims 55 and 61 depend effectively from claim 54 or 60.

In view of the above, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A fee of \$750.00 is incurred by the filing of a Request for Continued Examination, and a fee of \$520.00 is incurred by the filing of a Petition for a three-month extension of time. Please note that a fee of \$410.00 for two-month extension of time has been previously paid on 30 June 2003. (\$930.00-\$410.00=\$520.00) Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



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